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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,870	12/16/2004	Rainer Mangold	1703 1333US	3022

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GERMANY

EXAMINER	
CRAIG, PAULA L	

ART UNIT	PAPER NUMBER
3761	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/517,870	MANGOLD ET AL.	
	Examiner	Art Unit	
	Paula L. Craig	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claims 19-48 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 19-48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 requires micro staple fibers. On page 3, lines 11-16, the specification teaches that the micro staple fibers are not formed by spinning fleece or melt blown methods, but by a separate production method. However, the production method actually used for producing the micro staple fibers is not disclosed.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 19-35, 37-38, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0108846 to Hoertsch in view of U.S. Patent No. 5,047,189 to Lin.

6. For Claim 19, Hoertsch teaches a fiber swab for cosmetic or medical purposes or for body care (disposable oral hygiene device 20, Figs. 1-16, Abstract, and paragraph 27). Hoertsch teaches that the swab is useful for cleaning the teeth, tongue, and mouth (paragraph 26). Hoertsch teaches the swab having a stick (elongated member 30, Figs. 1-16 and paragraph 27). A fiber material forms a fiber head at at least one end of the stick (swab 50, Figs. 1-56 and paragraphs 27-30 and 49-51). The fiber material includes staple fibers having defined lengths (paragraph 30). Hoertsch teaches the fibers of the fiber material being discontinuous microfibers (paragraph 36). Hoertsch teaches that the fibers may vary widely in length (paragraph 36). Hoertsch does not expressly teach the microfibers being staple fibers of at least 7mm in length. Lin teaches micro staple fibers of at least 7mm in length (col. 3, lines 28-46). Lin teaches that the micro staple fibers are useful in cleaning applications (col. 3, lines 51-54, and Claim 2). As the device of Hoertsch is used for cleaning, it would have been obvious to one of ordinary skill in the art to modify the device of Hoertsch to include micro staple fibers of at least 7mm in length, as taught by Lin, for cleaning purposes, as taught by Lin.

7. For Claim 20, Hoertsch teaches the fiber material being any suitable material for cleaning, including polyester or viscose fibers (paragraphs 28, 30, and 49).

8. For Claims 21-23, Hoertsch teaches the fiber material being any suitable material for cleaning (paragraph 28). Hoertsch teaches the fiber material being made of blends of different fibers (paragraphs 29-30 and 36). Hoertsch does not expressly teach the portion of micro staple fibers compared to the mass of fiber material being 3 to 50, weight %, or 5 to 30 weight %, or 5 to 20 weight %. Lin teaches the portion of micro staple fibers compared to the mass of fiber material being 3 to 50 weight %, or 5 to 30 weight %, or 5 to 20 weight % (col. 2, line 65, to col. 3, line 7, and Claim 1; note the microfibers are the split yarn, the mass of fiber material includes split and unsplit yarn). Lin teaches the proportion of micro staple fibers to the mass of fiber material depending on the desired type of finished fabric (col. 2, line 65, to col. 3, line 10). Lin teaches the fiber material being suitable for cleaning (col. 3, lines 51-54). It would have been obvious to one of ordinary skill in the art to modify Hoertsch to include a suitable fiber material for cleaning, such as fiber material having the portion of micro staple fibers compared to the mass of fiber material being 3 to 50, weight %, or 5 to 30 weight %, or 5 to 20 weight %, as taught by Lin.

9. For Claims 24, 25, and 26, Hoertsch teaches the fiber material being any suitable material for cleaning (paragraphs 28 and 30). Hoertsch teaches the fiber material including cotton fibers and blends of fibers (paragraphs 28-30). The amount of cotton fiber is a result effective variable, since it affects the cost, hydrophilicity, absorption, and cleaning ability of the swab. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art. See *In re Boesch and Slaney,* 205 USPQ 215 (CCPA 1980).

10. For Claim 27, Hoertsch teaches the fiber material being any suitable material for cleaning (paragraphs 28 and 30). Hoertsch teaches the fiber material including cotton fibers (paragraphs 28-29). Hoertsch teaches the fibers having various lengths, as suitable for cleaning (paragraphs 27, 28, 30, and 36). Note the usual definition of "cotton noil" in the art is a short cotton fiber. The length of the cotton fibers is a result effective variable, since it affects the cleaning ability and linting tendency of the swab. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art.

11. For Claim 28, Hoertsch teaches the fiber material being any suitable material for cleaning (paragraphs 28 and 30). Hoertsch teaches the fiber material including thermally meltable binding fibers (thermoplastics, paragraphs 28-30).

12. For Claims 29-30, Hoertsch teaches the fiber material being any suitable material for cleaning (paragraphs 28 and 30). Hoertsch teaches the fiber material including thermally meltable binding fibers (thermoplastics, paragraphs 28-30). The amount of thermally meltable binding fibers is a result effective variable, since it affects the binding strength of the fibers to each other. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art.

13. For Claim 31, Hoertsch teaches the thermally meltable binding fibers being bicomponent fibers (paragraph 30).

14. For Claims 32-33, Hoertsch teaches the fiber material being any suitable material for cleaning (paragraphs 28 and 30). Hoertsch teaches the fibers being multi-component fibers (paragraph 30). Hoertsch teaches that the fibers may vary widely in

diameter (paragraph 36). Lin teaches the fibers being multi-component fibers (col. 2, lines 21-24). Lin teaches the fibers having a fiber thickness of 1.3 to 10 dtex or 1.3 to 3 dtex (col. 3, lines 43-45, and Claims 1 and 2). It would have been obvious to one of ordinary skill in the art to modify Hoertsch to include multi-component fibers having a suitable fiber thickness, such as 1.3 to 10 dtex or 1.3 to 3 dtex, as taught by Lin.

15. For Claim 34, Hoertsch teaches the fiber material being any suitable material for cleaning (paragraphs 28 and 30). Hoertsch teaches the fiber material including multi-component fibers (paragraph 30). Hoertsch teaches the fibers having various lengths, as suitable for cleaning (paragraphs 27, 28, 30, and 36). The length of the fibers is a result effective variable, since it affects the cleaning ability and linting tendency of the swab. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art.

16. For Claim 35, Hoertsch teaches the fiber material being any suitable material for cleaning (paragraphs 28 and 30). Hoertsch teaches the fiber material being bicomponent fibers (paragraph 30). Hoertsch teaches the fiber material being blends of various materials, including copolyester and polyester (paragraph 30; note polyethylene terephthalate is a copolyester).

17. For Claims 37 and 38, Hoertsch teaches the removal resistance of the fiber material from the end of the stick as being secure enough to be considered a permanent bond (paragraphs 50-51). The removal resistance of the fiber material from the stick is a result effective variable, since it affects the tendency of the swab to come

apart. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art.

18. For Claim 45, Hoertsch teaches the fiber material containing a softener (paragraph 31).

19. For Claims 46-48, Hoertsch teaches the fiber material being any suitable material for cleaning (paragraphs 28 and 30). Note that the claims do not require that the swab include any particular materials or have any particular structure.

Allowable Subject Matter

20. Claims 36 and 39-44 are objected to as being dependent upon a rejected base claim, but would be allowable over the prior art if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571)272-5964. The examiner can normally be reached on 6:30AM-3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paula L Craig
Examiner
Art Unit 3761

PLC

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER